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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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007/101,498 07/09/98 MULLER N VO-391

EXAMINER

TRAN, H

ART UNIT

PAPER NUMBER

3636

DATE MAILED:

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AIR MAIL

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/101,498

Applicant(s)
MULLER

Examiner
Hanh V. Tran

Group Art Unit
3636



☒ Responsive to communication(s) filed on Feb 1, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 5, and 6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 5, and 6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This is the Final Office Action from the Examiner in charge of this application in response to applicant's amendment dated 2/1/2000.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. Claims 5 is objected to because of the following informalities: on line 7, reference numbers 23, 24,25 are not enclosed by parentheses. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 3,559,728 to LYMAN ET AL in view of USP 5,184,879 to BROSSARDT ET AL.

LYMAN ET AL discloses cabinet structure comprising all the elements recited in the above listed claims and including (1) a cabinet, (2) a hollow door comprising all the elements recited in the claims, such as: a cover, air-conditioner components, heat exchanger... (col. 1, lines 62-74), with an open end of the cabinet door being coextensive with an open end of the switchgear cabinet so as to permit optimum utilization of the cabinet interior space (col. 2, lines 8-22.) The only different being that LYMAN ET AL does not disclose the cabinet door being designed a tub-shaped housing.

BROSSARDT ET AL discloses a cabinet structure comprising a housing, and a hollow door 20, wherein the hollow door has a tub-shaped in order to provide an aesthetic looking door and to increase the storage capacity within the door.

It would have been obvious to modify the hollow door structure of LYMAN ET AL by providing the hollow door as a tub-shaped housing in order to provide an aesthetic looking door and to increase the storage capacity within the door, as taught by BROSSARDT ET AL, since

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both teach alternate conventional electrical cabinet having hollow door structure, used for the same intended purpose, thereby providing structure as claimed.

Response to Arguments

7. Applicant's arguments filed 2/1/2000 have been fully considered but they are not persuasive. In response to applicant's arguments on page 6, line 6+, that neither LYMAN ET AL and BROSSARDT ET AL teach "an integrated air conditioning system contained entirely within a separable cover", the Examiner take the position that LYMAN ET AL discloses in column 1, lines 62-70, and column 2, lines 8-22 of a "self-contained air conditioners" within the door.

Conclusion


8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302.

HVT *HVT*
April 8, 2000


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600